

**P20-19F.** The request is for a Special Use Permit to reduce the required 500 feet distance separation between a Warehouse Storage use and residential uses, zoned Heavy Industrial (HI), located at 601 Hillsboro Street (Tax Map # 0437-48-3320), 8.03 acres  $\pm$ , represented by Bryan Welborn of NSE and being the property of M M Smith Storage Warehouse, Inc. (Jennifer Baptiste)

## **ZONING COMMISSION STAFF REPORT**

**TO:** Zoning Commission Members  
**THRU:** Taurus Freeman – Planning & Zoning Divisional Manager  
**FROM:** Jennifer C. Baptiste, Senior Planner  
**DATE:** May 26, 2020

**RE:**

**P20-19F.** The request is for a Special Use Permit to reduce the required 500 feet distance separation between a Warehouse Storage site and residential districts, zoned Heavy Industrial (HI), located at 601 Hillsboro Street (Tax Map # 0437-48-3320), 8.03 acres ±, represented by Bryan Welborn of NSE and being the property of M & M Smith Storage Warehouse, Inc.

**COUNCIL DISTRICT(S):**

2 – Shakeyla Ingram

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**Relationship to Strategic Plan:**

2030 Goals, Goal II: Diverse and Viable Economy

Objective A: To sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Objective B: To implement strategies that diversify the city's tax base and increase the industrial and commercial tax bases.

**Executive Summary:**

The applicant is requesting that a Special Use Permit be issued to allow a reduction in the required 500 feet distance separation between an existing Warehouse Storage site and residential districts. The applicant is seeking to expand the existing use by adding a 76,500 square feet warehouse.

**Background:**

Owner: M & M Smith Storage Warehouse, INC  
Applicant: Bryan Welborn, NSE  
Requested Action: Special Use Permit  
Property Address: 601 Hillsboro Street  
Council District: 2 – Shakeyla Ingram  
Status of Properties: Warehouse/Storage Facility  
Size: Approximately 8.03 acres



Adjoining Land Use & Zoning:

- North – MR-5 – Residential Subdivision
- South - HI – Community Agency Office & Industrial
- West – MR-5 – Undeveloped Residential/CSX Railroad line
- East – MR-5 & NC & LC – Residential & Commercial Office

Letters Mailed: 56

Land Use Plan: Downtown

Additional Reviews:

Technical Review Committee (TRC) – A preliminary review has been conducted as part of the Special Use Permit application process. In general development comments were given by the committee that required the use to comply with the Development Standards identified in the current Unified Development Ordinance.

A full TRC review will be conducted if the Special Use Permit is approved.

**Issues/Analysis:**

According to the Cumberland County Tax Department website, this site was developed in the early 1970s in accordance to the development standards of the City of Fayetteville's Ordinance at that time. With the adoption of the Unified Development Ordinance in 2013, warehouse storage uses were identified in the Use Table as a use by right in the Heavy Industrial zoning district; however, the UDO established developmental standards that require the use maintain a 500 feet distance separation from any residential zoning districts.

M & M Smith Storage Warehouse currently operates an approximately 75,000 square feet warehouse space that provides storage for various commercial clients. The center provides commodity storage and distribution of raw materials, semi-manufactured products, and finished goods for suppliers, manufactures and retail facilities. This storage center is not opened to the general public meaning that it does not provide individual storage units for rent.

This area along Hillsboro Street has a variety of uses in the area. According to the Cumberland County Tax Department website, the properties in the immediate area of the subject site were developed between the late 1980s and 2018. Hence, this site was developed prior to the development of the surrounding properties.

The applicant is requesting a Special Use Permit to reduce the required 500 feet distance separation between the existing Warehouse Storage site and the adjacent residential zoning districts. The request is to cover the existing use and bring it into conformity with the current UDO as well as allow the construction of a new facility on the site.

The new facility will be an approximately 76,500 square feet building and will be just north of the existing building. The new facility will allow the company to expand services while the existing building will continue to be used mainly as an administrative site. If the SUP is approved, the new facility will have to be evaluated for compliance with the current UDO for screening, landscaping, and truck/vehicle access.

The SUP must meet the following findings of facts:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;**

According to Section 30-4.C.5.e.2 *Parcel Services, Truck or Freight Terminal, Warehouse (Distribution or Storage)*, "shall comply with the following standards":

- a. The use shall be located at least 500 feet from any residential district, school, or child care center.**

The applicant is requesting a waiver to this standard as it is an existing use that has been in the current location since the 1970s prior to the development of the surrounding residential uses.

- b. The use shall not locate storage areas within a required setback or perimeter buffer.**

The use will not locate storage within the required setback or perimeter buffer.

- c. The use shall locate outdoor storage areas to the rear of the principal structure and screen them with a wooden fence or masonry wall no less than eight feet in height in accordance with Section 30-5.D, Fencing Standards.**

Any future outdoor storage shall comply with this standard.

- d. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.**

The site is designed to ensure proper function of the vehicle use areas.

- e. The use shall have direct access onto an arterial or major collector street.**

The site has access to an existing street.

- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;**

The existing use has been in the current location since the 1970s and has not presented any adverse impact to the neighborhood without impeding traffic. The expansion of the business will be on the existing site and will operate similarly as the existing use.

- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;**

The current site is existing and any additions to the site will have to meet the requirements of the UDO.

- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;**

The proposed site plan demonstrates how this property will be expanded and secured from public use and access. The existing facility and the new facility will be adequately separated and screened from the adjacent residential zoning districts.



**(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;**

This property is already developed and the proposed expansion demonstrates how this property meets the requirements of the UDO. Prior to the permitting, construction, and occupancy of the new facility, all building plans will have to be reviewed and approved by the Technical Review Committee as well as the Building Inspection Department.

**(6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;**

This property is located on a Major Collector and will not require new ingress and egress points to accommodate the proposed additional use.

**(7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and**

This request is to bring an existing use into conformity with the UDO and allow the expansion of the site. The site will have to provide screening as well as fencing to the standards of the UDO. No documentation has been submitted showing that property values would be negatively affected.

**(8) The Special use complies with all other relevant City, State, and Federal laws and regulations.**

The applicant will be required to meet all applicable standards.

Planning Staff recommends **Approval** of the proposed SUP based on:

- This proposed SUP implements the policies adopted in the Unified Development Ordinance;
- The expansion of this use is allowed in the Heavy Industrial (HI) district and will not detract from the overall area;
- The proposed SUP ensures that new development is compatible with the 2010 Land Use Plan; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

**Budget Impact:**

This action should result in no increase in City services.

**Options:**

- 1) Approval of the SUP with any conditions listed above (Recommended).
- 2) Approval of the SUP with additional conditions.
- 3) Approval of the SUP without conditions.
- 4) Denial of the SUP

**Recommended Action:**

Staff recommends that the Zoning Commission recommend approval of the requested Special Use Permit to allow a reduction in the required 500 foot distance separation between an existing and proposed Warehouse Storage site and residential districts.

- The amendment is consistent with applicable plans because: 1) the City's Unified Development Ordinance allows a reduction in separation by means of the Special Use Permit process; 2) the use is allowed by right in the zoning district; and 3) the site is existing and does not propose any harm to the surrounding area.

**Attachments:**

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Site Plan I



## Project Overview

#374061

**Project Title:** MM SMITH WAREHOUSE

**Jurisdiction:** City of Fayetteville

**Application Type:** 5.3) Special Use Plan Review

**State:** NC

**Workflow:** Staff Review

**County:** Cumberland

## Project Location

**Project Address or PIN:** 601 HILLSBORO ST (0437-48-3320-)

## GIS Verified Data

**Property Owner:** Parcel

- 601 HILLSBORO ST: M M SMITH STORAGE WAREHOUSE INC

**Acreage:** Parcel

- 601 HILLSBORO ST: 8.03

**Zoning District:**

**Subdivision Name:** Parcel

- 601 HILLSBORO ST: NOT APPLICABLE

## Written Description of Special Use

**Is the proposed project for a cell tower?:** No

**A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:**

The use is a long-term storage warehouse. There are 10 to 11 employees and is open from 7 am to 4 pm Monday through Friday. The warehouse has approximately 6 clients, but varies throughout the year. Truck traffic in and out the site ranges from 0 to 6 trucks per day. Some of the trucks may remain at the dock or on site for a few days.

**B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.:** The property is bounded by a CSX Transportation Railroad to the West and Hillsboro St./Norfolk Southern Railroad to the East. The property across the CSX Railroad is currently zoned MR-5 and is currently undeveloped. The property across Hillsboro St./Norfolk Southern Railroad is zoned MR-5, NC, and LC. The uses are institutional (Church/shelter) and single family residential. The property to the North is zoned MR-5 and is currently used for single family residential homes and currently undeveloped parcels. The property to the south of the parcels owned by M M Smith Storage Warehouse Inc. NC abuts property zoned MR-5 and LC. The existing uses are single family residential homes, commercial, and currently undeveloped parcels. There is a parcel that is

located between the two parcels owned by MM Smith Storage Warehouse Inc. which is zoned HI and is currently an institutional use.

**Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).**

**Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.:**

Warehouse storage and freight movement is an approved use in the HI zoning district. There are additional use standard as per UDO Section 30-4 C.5.e.2.

- a. The use shall be located at least 500 feet from any residential district, school, or child care center.

The site is an active warehouse storage site and is surrounded by commercial, residential, and institutional uses. All portions of the existing site are within 500 feet of a residentially zoned parcel. The site currently does not meet this requirement. The new structure will be within the HI building setbacks.

- b. The use shall not locate storage areas within a required setback or perimeter buffer.

The site will not located storage areas within any buffers or setbacks.

- c. The use shall locate outdoor storage areas to the rear of the principal structure and screen them with a wooden fence or masonry wall no less than eight feet in height in accordance with Section 30-5.D, Fencing Standards.

Any future outdoor storage shall comply with this standard.

- d. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

The site is designed to ensure proper function of the vehicle use areas.

- e. The use shall have direct access onto an arterial or major collector street.

The use has direct access to an existing street.

**Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.:**

The existing use is an approved use within the HI zoning district. There are commercial/industrial sites within a few blocks of the proposed warehouse expansion. The expansion is not expected to have a significant increase in truck traffic.

**Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.:**

The existing use is being expanded, but truck traffic is not expected to significantly increase.

**Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.:**

The proposed expansion will be screened as required by the Unified Development Ordinance. The existing vegetation on the boundary of the property will not be disturbed and will be supplemented with additional plantings if required. The property will have landscaping added to the front of the property and around the new building.

**Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.:** The proposed expansion will have minimal impact to existing trees and wildlife because it is an active industrial site. The existing site is not conducive to extensive wildlife habitats and most of the existing trees on the property will remain undisturbed.



**Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.:**

The existing site is currently an active warehouse storage facility. The existing entrance will not be changed and there will be no new access. The traffic entering and exiting the site is not expected to significantly increase.

**Demonstrate how the special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.:**

The addition of usable open space, landscaping buffers, and internal landscaping would obstruct the view of the existing building and the new building. The current use will not change.

**The special use complies with all other relevant City, State, and Federal laws and regulations.:** Final construction plans will comply with all relevant City, State, and Federal Laws and regulations.

#### Primary Contact Information

**Project Contact - Agent/Representative**

bryan welborn  
NSE  
139 Pinehurst Ave.  
Southern Pines, NC 28387  
P:910-695-8825  
[bwelborn@nsengineering.com](mailto:bwelborn@nsengineering.com)

**Project Owner**

MATTHEW SMITH  
M&M Smith Warehouse  
601 HILLSBORO STREET  
FAYETTEVILLE, NC 28302  
P:910-483-4186  
[msmith@smithstorage.com](mailto:msmith@smithstorage.com)

**Indicate which of the following project contacts should be included on this project:** Contractor

**Project Contact - Primary Point of Contact for the Contractor**

BOB RAWSON  
D.R. REYNOLDS COMPANY, INC.  
708 GRIFFIN FARM RD  
STAR, NC 27336  
P:910-428-1360  
[brawson@drreynolds.com](mailto:brawson@drreynolds.com)

NC State License Number: 41127

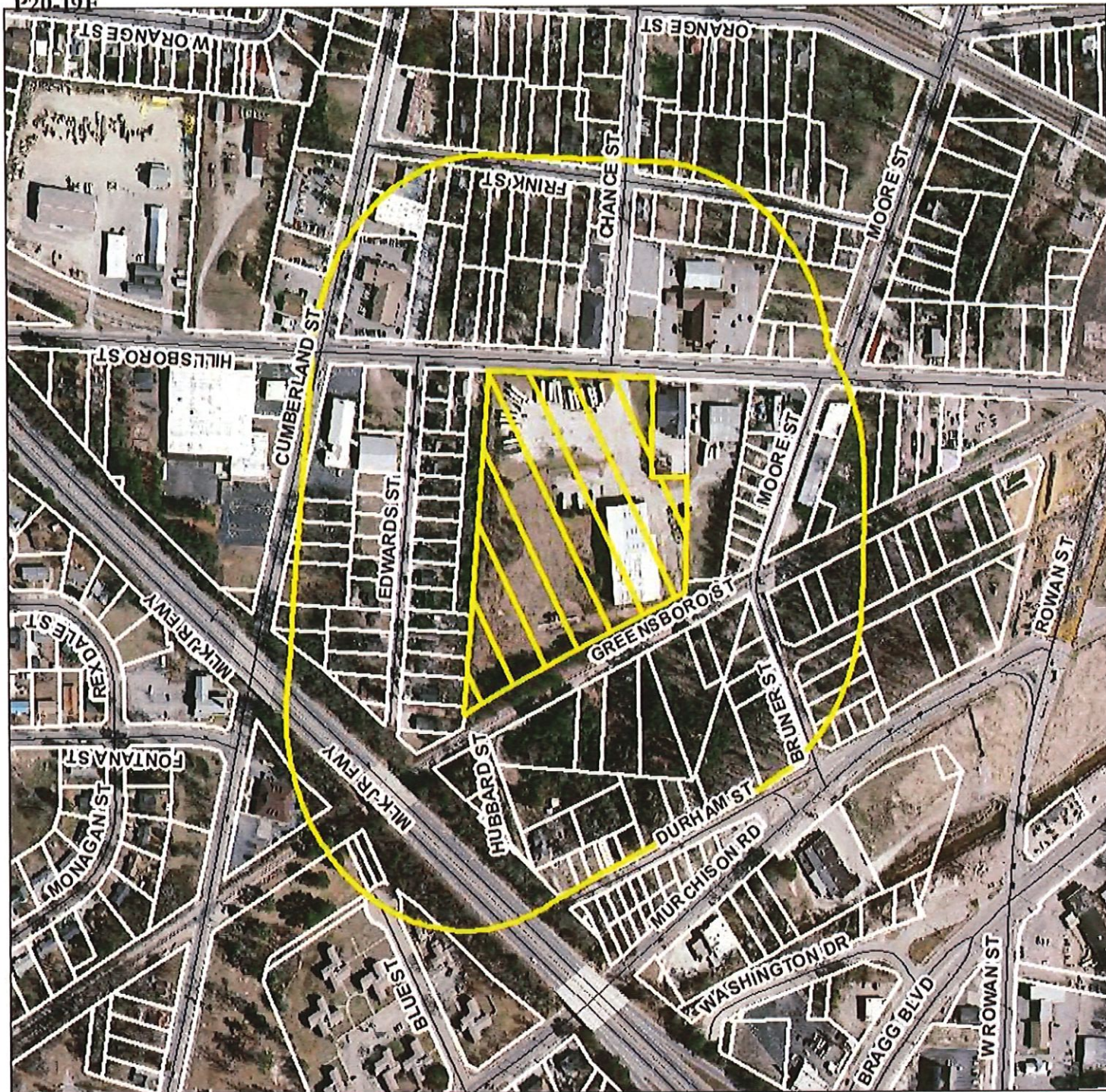
**As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :**

**Project Contact - Primary Point of Contact for the Developer**

BOB RAWSON  
D.R. REYNOLDS COMPANY, INC.  
708 GRIFFIN FARM RD  
STAR, NC 27336  
P:910-428-1360  
[brawson@drreynolds.com](mailto:brawson@drreynolds.com)



P20-19F



## Aerial Notification Map

Zoning Commission  
05/26/2020

Case #: P20-19F

Request  
Special Use Permit

Location:  
601 Hillsboro Street

Pin:  
0437-48-3320

Acreage:  
8.03 acres



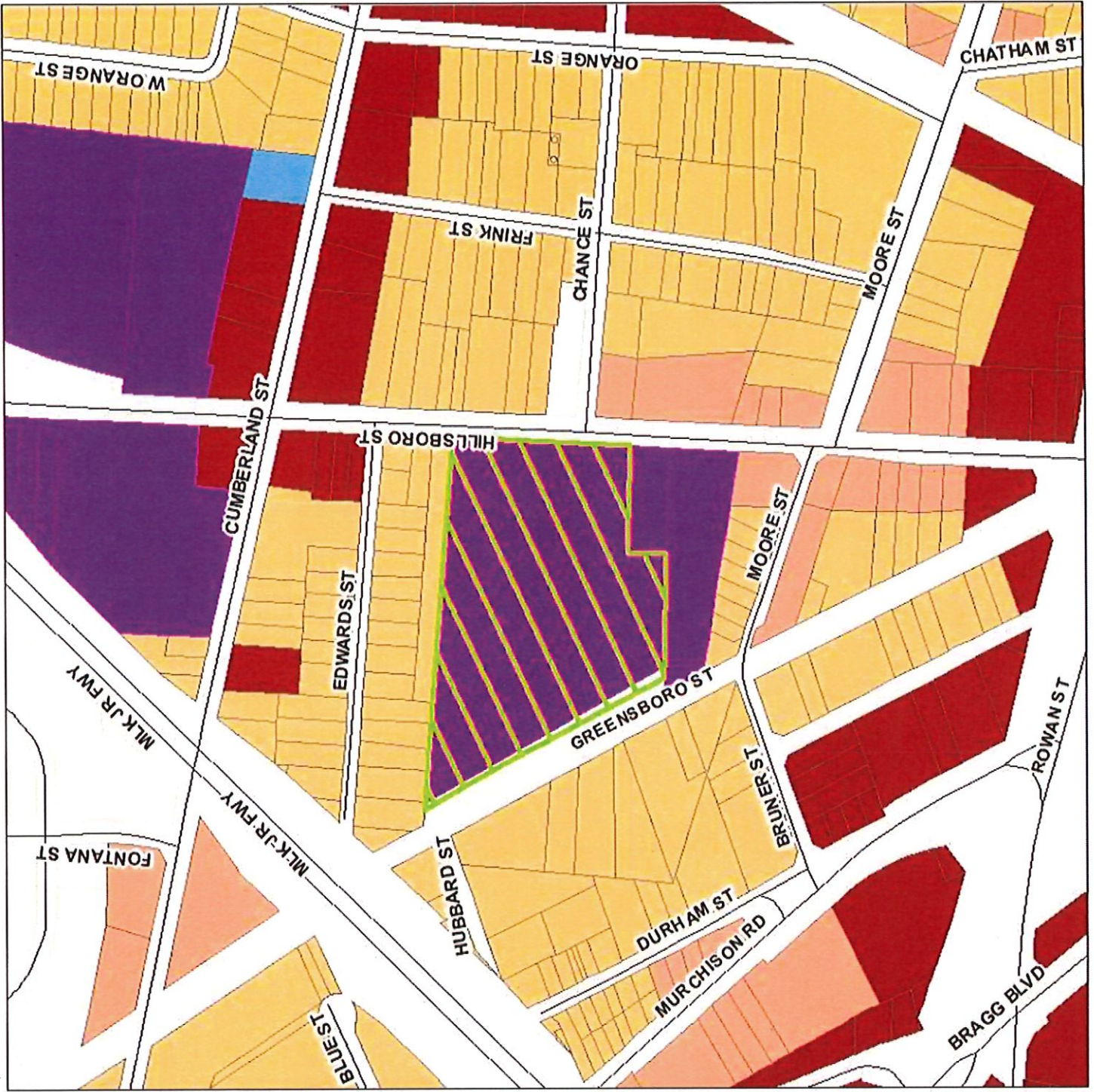
### Legend



City of  
**Fayetteville**  
*West of the Sun*  
**PLANNING**

Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.





## Zoning Map

Zoning Commission  
05/26/2020

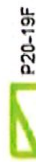
Case #: P20-19F

Request:  
Special Use Permit

Location:  
601 Hillsboro Street

Pin:  
0437-48-3320

Acreage:  
8.03 total acres +/-



P20-19F

### ZONING

- CC - Community Commercial
- DT - Downtown
- HI - Heavy Industrial
- LC - Limited Commercial
- MR-S - Mixed Residential S
- NC/CZ - Neighborhood Commercial/Conditional Zoning
- OI - Office & Institutional

City of  
**Fayetteville**  
*North Carolina*  
**PLANNING**



# Land Use Map

Zoning Commission  
05/26/2020

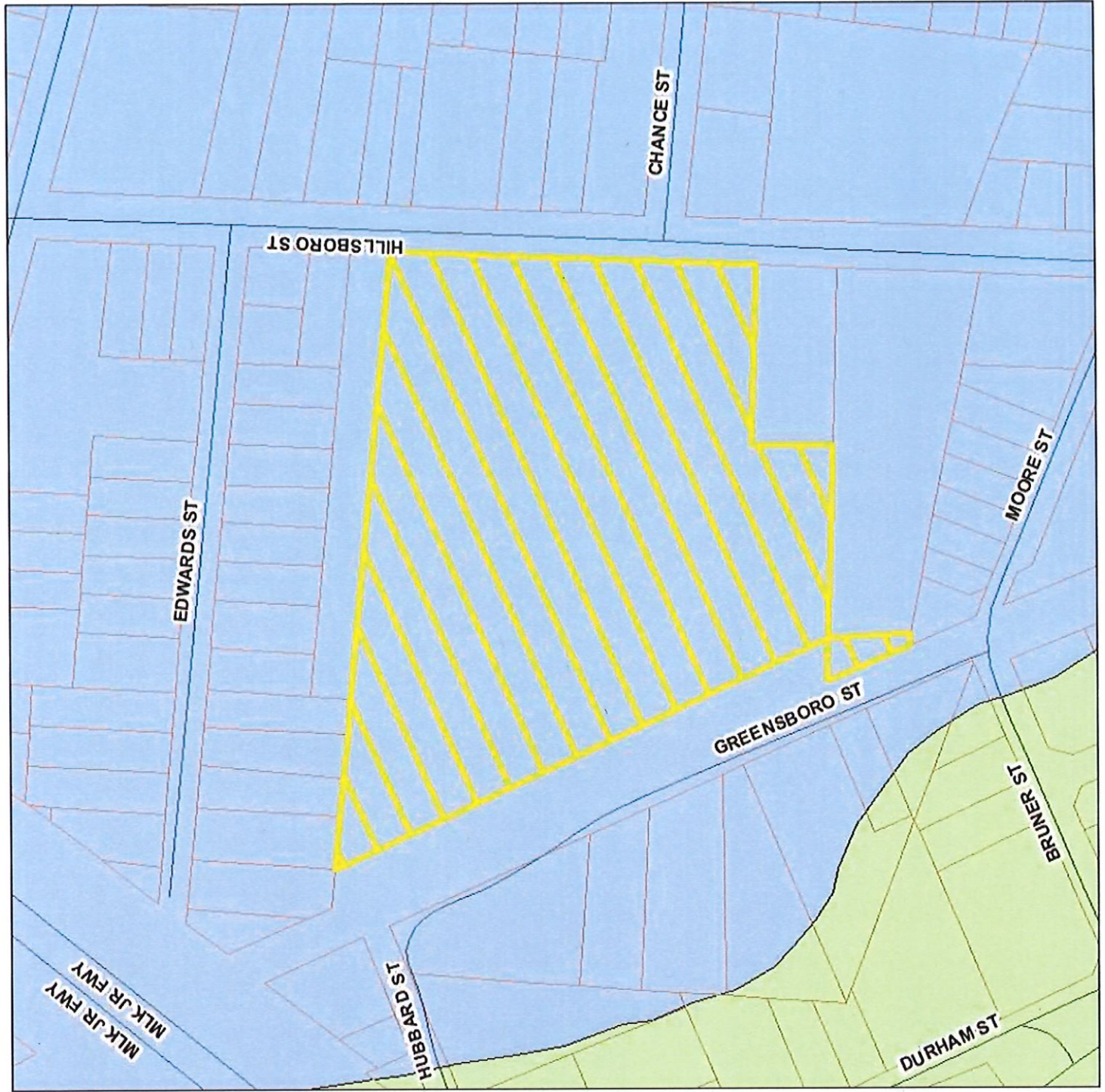
Case #: P20-19F

Request:  
Special Use Permit

Location:  
601 Hillsboro Street

Pin:  
0437-48-3320

Acreage:  
8.03 acres





# Subject Property





## For

SITE JURISDICTION:	CITY OF JAMESTOWN	30'	100' ADJUTING INDUSTRIAL ZONING
ADDRESSES:	600 HILLSBORO ST. JAMESTOWN, NC 27802	15'	100' ADJUTING INDUSTRIAL ZONING
PARCEL #/OLD PAR:	000357/0347-48-3310	0'	ADJUTING RAILROAD
APPLICANT NAME:	W. J. HARRIS	0'	ADJUTING RAILROAD
CURRENT ZONING:	HI 2280, PG 87	0'	ADJUTING RAILROAD
SETBACKS:			
HI ZONING:			
HI SETBACK:			
REAR:			
TOTAL ACREAGE:			

THIS MAP IS NOT IN ACCORDANCE WITH GS 47-30.  
AREA BY COORDINATE METHOD.  
PROPERTY DOES NOT LIE IN A DESIGNATED FLOOD HAZARD ZONE.  
CONTOUR INTERVAL 1'  
TOPOGRAPHICAL AND BOUNDARY INFORMATION PROVIDED BY:  
WILSON, WOODRUM, KETTER & KETTER, INC.  
115 BROADFOOT AVE.  
FAYETTEVILLE, NC 28301

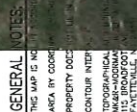
COVER SHEET \_\_\_\_\_ COVER \_\_\_\_\_  
PRELIMINARY SITE LAYOUT PLAN \_\_\_\_\_ PRE-1 \_\_\_\_\_  
PRELIMINARY SITE LAYOUT PLAN WITH GIS AERIAL(11/2017) \_\_\_\_\_ PRE-2 \_\_\_\_\_

**Know what's below.  
Call before you dig.**







[illegible]

J. M. & M. SMITH STORAGE WAREHOUSE INC.  
PO BOX 413  
AYETTEVILLE, NC 28302

FILE DATA  
 FILE DESCRIPTION  
 DATE  
 PARCEL ID/OLD PIN  
 CED BOOK & PAGE  
 CURRENT ZONING  
 CTRACKS  
 ZONING  
 FRONT  
 SIDE  
 CAR

60' SHUTTING RAILROAD  
9.95 ACRES  
CAPE FEAR

1 SPACE PER EMPLOYEE ON THE LARGEST SHIFT

REQUIREMENT IS:  
NUMBER OF EMPLOYEES  
SPACES REQUIRED:  
TOTAL SPACES PROVIDED:



**P20-20F.** The request is for a Special Use Permit to build multi-family townhouse units in an area zoned Single Family Residential 6 (SF-6), located on Bluffside Drive, near the intersection with Cape Point Drive (Tax Map # (0447-35-7569), 6.29 acres  $\pm$ , represented by Jeffrey Nobles of Larry King & Assoc. and being the property of Anthony Cimaglia, River Bluff Partners, LLC. (Craig Harmon)

# ZONING COMMISSION STAFF REPORT

**TO:** Zoning Commission Members  
**THRU:** Taurus Freeman – Planning & Zoning Divisional Manager  
**FROM:** Craig M. Harmon, CZO – Planner II  
**DATE:** May 26, 2020

**RE:**

**P20-20F.** The request is for a Special Use Permit to build multi-family townhouse units in an area zoned Single Family Residential 6 (SF-6), located on Bluffside Drive, near the intersection with Cape Point Drive (Tax Map # (0447-35-7569), 6.29 acres ±, represented by Jeffrey Nobles of Larry King & Assoc. and being the property of Anthony Cimaglia, River Bluff Partners, LLC.

**COUNCIL DISTRICT(S):**

2 – Shakeyla Ingram

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**Relationship to Strategic Plan:**

2024 Goals, Goal II: Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

**Executive Summary:**

The property in question is part of the River Bluff Subdivision. The owner wishes to finish developing the River Bluff Townhouse section of this development.

According to the Unified Development Ordinance (UDO), townhouses are defined as single-family, attached two or more single-family dwelling units, each with its own outside entrance and individual lot, which are joined together by a common or party wall which is shared by two or more individual dwelling units along the lot line.

**Background:**

Owner: Anthony Cimaglia, River Bluff Partners, LLC  
Applicant: Jeffrey Nobles of Larry King & Assoc  
Requested Action: SUP – single-family, attached  
Property Address: Bluffside Drive  
Council District: 2 – Shakeyla Ingram  
Status of Property: Single Family Residential  
Size: 6.29 acres +/-  
Adjoining Land Use & Zoning:

- North – SF-10 – Church
- South – SF-10 & HI/CZ – Single Family & Contractor



- West – Cape Fear River
- East – SF-6 – Single Family

Letters Mailed: 60

Transportation: Annual Average Daily Traffic (AADT) there are no traffic counts for Bluffside Drive.

Cape Fear River Plan: Suburban Density Residential – This property is in the River Village Character Area, which calls for a mixed-use area with a broad range of uses arranged both horizontally and vertically.

## **Issues/Analysis:**

### **Proposal**

The subject property is zoned Single-Family 6 (SF-6) and is located along a local road in a single-family and townhouse neighborhood. There is a mix of single-family, commercial and industrial properties, along with the Cape Fear River surrounding this property.

According to the applicant, the project will build three new buildings containing 29 residential units.

This property is zoned SF-6 and is for principally single-family detached residential development. The district also allows for multi-family townhouse developments. Currently, the surrounding properties have mostly single-family zoning and a mix of single family and multi-family uses.

Also, according to the applicant, the project is a townhouse development, which is allowed in an SF-6 Zoning District. It is situated on the site so that it meets the required setbacks for this district, as shown on the attached plot drawing. The position of the building allows for 58 parking spacing, 29 of which are garage spaces. The buildings are situated on site with the "front" facing the street. The buildings, as shown on the attached site plan, meet the UDO requirements for multi-family developments.

### **Surrounding Development**

All the properties located on Buffside Drive are zoned for single-family use and multi-family development with an approved Special Use Permit.

While single family housing is the most prevalent use in this development, townhouses already exist along the river.

### **Site/Building**

As a Special Use, reasonable and related conditions can become part of any action to approve. The City Staff suggests that conditions be placed on this request requiring the developer to build according to the submitted site plan and elevations unless some part conflicts with City standards. In case of conflict, City standards will be followed.

The proposed townhomes will be two-story, with approximately 2,000 square feet in each unit. The building will be built as shown on the attached elevations.

The parking & driveway area will be designed as shown on the attached site plans. Parking places will include both garaged and uncovered spaces, 29 of each.

### **Transportation**

Bluffside Drive is classified as a Local Street. The roadway has two lanes and serves River Bluff Subdivision. This roadway connects River Bluff to Middle Road.

### **UDO Use-Specific Standards**

The Unified Development Ordinance (UDO) does not have any required use-specific standards for multi-family development consisting of single-family attached structures (townhouses).

Staff recommended conditions:

1. Approval is based on the submitted site plan, elevations, and floor plans. In case of any conflict, City standards will be followed.

The SUP must meet the following findings of facts:

**(1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;**

The proposed use meets the applicable standards. There are no use-specific standards for multi-family development consisting of single-family attached structures (townhouses).

**(2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;**

This is a residential community and this plan keeps the feel of the mix of residential uses that are already present. There will be no commercial activities. The proposed townhomes will fill in the remaining undeveloped multi-family area of this subdivision.

**(3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;**

The proposed site plan would ensure that the project would avoid significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration.

These townhomes should bring no adverse impact to the community. The use is residential and in keeping with the residential neighborhood. Noises should only include those of cars, families with kids and normal day to day home activity. Individual trash cans will be provided for each family so there will not be any additional noises from dumpster pickup. There will be no deliveries, loading noise, glare or vibrations that would not be associated with everyday family activities.

**(4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;**

The proposed site plan would ensure that the project would minimize adverse effects, including visual impacts of the proposed use on adjacent lands.

The new buildings include all required design standards. Parking has been located to provide access to the front entrances.



**(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;**

The proposed site plan would ensure that the project would avoid significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

This special use avoids significant deterioration of water and air resources, wildlife habitat and other natural resources by using land previously approved for development. It maximizes the use of space by increasing the number of units per acre.

**(6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;**

The property is located on a local drive with ingress and egress as shown on the attached site plan.

The driveway into this site is like those at other sites within this neighborhood. Because of the low amount of traffic which uses this road, ingress and egress from this site should not impede traffic flow.

**(7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and**

There has been no evidence presented that property values and the ability of neighboring lands to develop would negatively impacted.

Multi-family townhomes or condos were part of the original site plan for this subdivision. Similar multi-family units are already built and occupied in this neighborhood.

**(8) The Special use complies with all other relevant City, State, and Federal laws and regulations.**

The applicant will be required to meet all applicable standards.

**Planning Staff recommends Approval of the proposed SUP based on:**

- This proposed SUP implements the policies adopted in the Unified Development Ordinance;
- The development of this use is allowed in the Single Family 6 district and will not detract from the overall area;
- The proposed SUP ensures that new development is compatible with the current zoning, UDO and overall growth pattern of the area;
- The attached site plan, elevations, evidence provided by the developer and the conditions recommended above; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

**Budget Impact:**

This action should result in no increase in City services.

**Options:**

- 1) Approval of the SUP with any conditions listed above (Recommended).

- 2) Approval of the SUP with additional conditions.
- 3) Approval of the SUP without conditions.
- 4) Denial of the SUP

**Recommended Action:**

Staff recommends that the Zoning Commission recommend approval of the requested Special Use Permit to build multi-family townhouse units in an area zoned Single Family Residential 6 (SF-6), as presented by Staff and based on the information provided above and all attachments.

- The amendment is consistent with applicable plans because: 1) the City's Unified Development Ordinance supports multi-family development in an SF-6 district; 2) the uses surrounding this property are a mix of residential uses which are compatible with the proposed zoning; and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning fits the character of the overall area.

**Attachments:**

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property
7. Site Plan
8. Elevations



## Project Overview

#375446

**Project Title:** River Bluff Townhouses  
**Application Type:** 5.3) Special Use Plan Review  
**Workflow:** Staff Review

**Jurisdiction:** City of Fayetteville  
**State:** NC  
**County:** Cumberland

## Project Location

**Project Address or PIN:** 0 BLUFFSIDE DR (0447-35-7569-)

## GIS Verified Data

**Property Owner: Parcel**  
• 0 BLUFFSIDE DR: RIVER BLUFF PARTNERS LLC

**Acreage: Parcel**  
• 0 BLUFFSIDE DR: 6.29

**Zoning District:**

**Subdivision Name: Parcel**  
• 0 BLUFFSIDE DR: RIVER BLUFF DEV

**Fire District:**

**Airport Overlay District:**

**Hospital Overlay District:**

**Coliseum Tourism District:**

**Cape Fear District:**

**Downtown Historic District:**

**Haymount Historic District:**

**Floodway:**

**100 Year Flood:**

**500 Year Flood:**

**Watershed:**

## Written Description of Special Use

Is the proposed project for a cell tower?: No

**A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:**

The proposed townhouse development is located within the existing River Bluff subdivision. The parcel is zoned SF-6 with existing single-family residences and clubhouse/pool as well as an existing condominium development.

Three town house buildings are proposed with 29 total residential units and 58 parking spaces.

**B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.:** The proposed development is zoned SF-6. Large parcels to the north and south are zoned SF-10. North of I-95 Business is zoned for commercial and heavy industrial.

The western property boundary abuts the Cape Fear River with MR-5 zoning across the river.

A zoning map will be included with submittal.

**Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).**

**Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.:** The proposed development is a residential facility located within a residential zoning district that was planned for townhouse/condo development when originally constructed.

**Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.:** The proposed development falls in line with the residential zoning that it is located and is similar in nature to the existing condominium development that is next door.

**Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.:** The proposed development is similar in nature to the existing developments that surround it. Parking is provided for each residential unit.

**Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.:** The proposed development is similar in nature to the existing, surrounding developments. All landscaping, stormwater and parking requirements will be addressed onsite per code requirements. Buildings will be designed to meet required architectural standards set forth either by City code or subdivision covenants.

**Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.:** The proposed development will comply with all city, state and federal environmental guidelines including, but not limited to stormwater management and erosion control practices. The development is not anticipated to impact any environmentally sensitive areas.

**Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.:** The proposed development will utilize existing streets as ingress and egress. There should be minimal impact to the existing volume of traffic.

**Demonstrate how the special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.:** The proposed development is an extension of what was originally planned for the area when it was initially developed several years ago. The proposed townhouse units will be constructed adjacent to an existing condominium building, a building with a similar use. Additionally, the development proposes fewer units than was originally planned.

**The special use complies with all other relevant City, State, and Federal laws and regulations.:** The proposed development will adhere to all city, state and federal regulations.

**Primary Contact Information**

**Project Contact - Agent/Representative**

Jeffrey Nobles  
Larry King & Assoc.  
1333 Morganton Road, Fayetteville  
Fayetteville, NC 28305  
P:9104834300  
[jnobles@lkanda.com](mailto:jnobles@lkanda.com)

**Indicate which of the following project contacts should be included on this project:** Surveyor

**Project Owner**

Anthony Cimaglia  
River Bluff Partners, LLC  
1437 Ramsey Street  
Fayetteville, NC 28301  
P:9104834300  
[tony28305@gmail.com](mailto:tony28305@gmail.com)

**NC State License Number:**

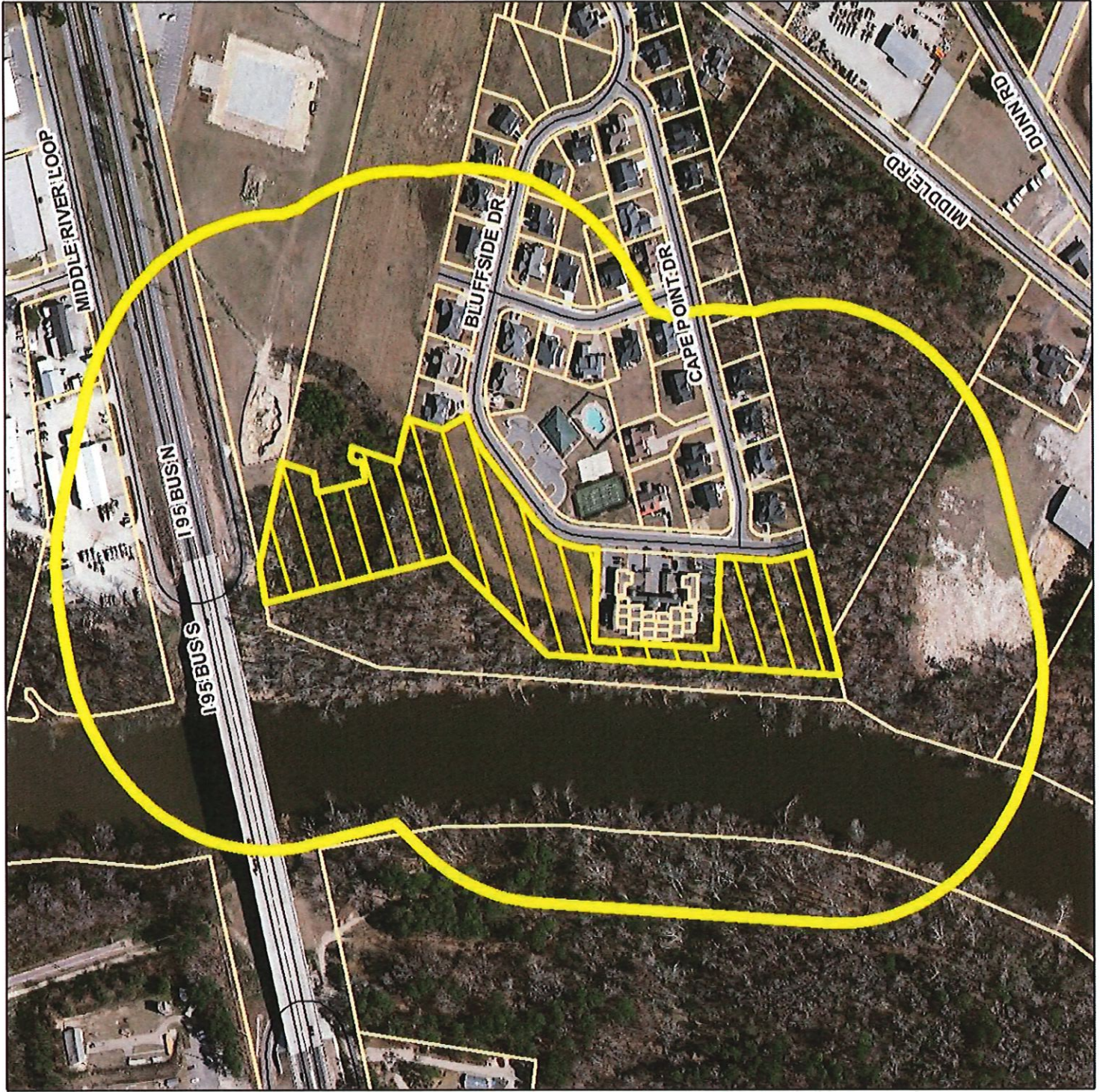
**As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :**

**Project Contact - Primary Point of Contact for the Surveyor**  
Lori Epler



Larry King & Assoc.  
1333 Morganton Road, Suite 201  
Fayetteville, NC 28305  
P:9104834300  
[lori@lkanda.com](mailto:lori@lkanda.com)





# Aerial Notification Map

Zoning Commission  
5/26/2020

Case #: P20-20F

Request:  
Special Use Permit  
SF-6 Multi-Family

Location:  
Bluffside Dr

Pin:  
(0447-35-7569

Acreage:  
6.29 acres +/-



## Legend



City of  
**Fayetteville**  
*North Carolina*  
**PLANNING**

Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation:

Disposition Date:

Final Action:



# Zoning Map

Zoning Commission  
5/26/2020

Case #: P20-20F

Request:  
Special Use Permit  
SF-6 Multi-Family

Location:  
Bluffsides Dr

Pin:  
(0447-35-7569

Acreage:  
6.29 acres +/-



## Legend

Parcels

Zoning District

CC - Community Commercial

CC/CZ - Conditional Community Commercial

HI - Heavy Industrial

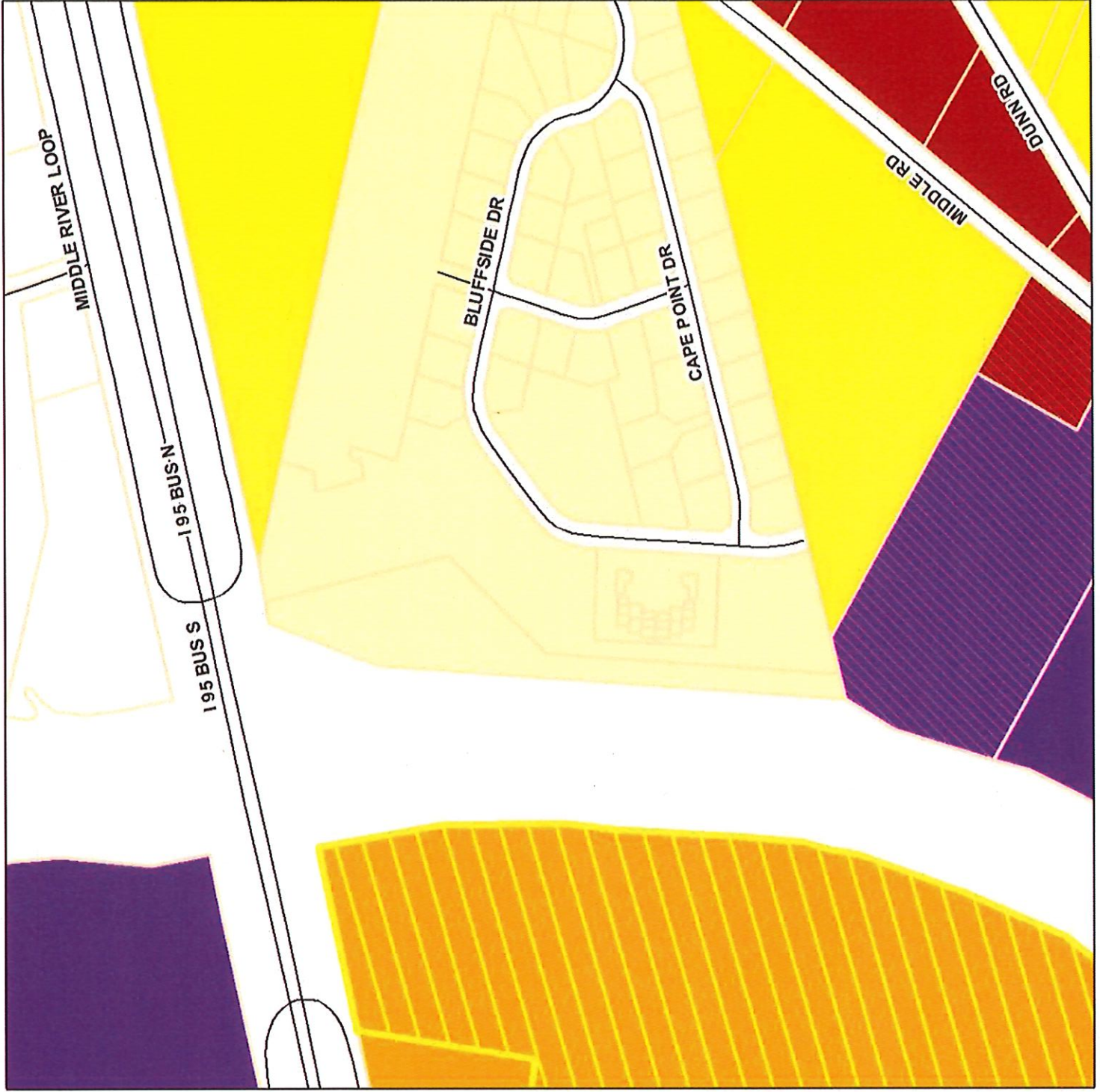
HI/CZ - Conditional Heavy Industrial

MR-5 - Mixed Residential 5

SF-6 - Single-Family Residential 6

SF-10 - Single-Family Residential 10

County



City of  
**Fayetteville**  
*Fayetteville*  
**PLANNING**



# Land Use Map

Zoning Commission  
5/26/2020

Case #: P20-20F

Request:  
Special Use Permit  
SF-6 Multi-Family

Location:  
Bluffsides Dr

Pin:  
(0447-35-7569

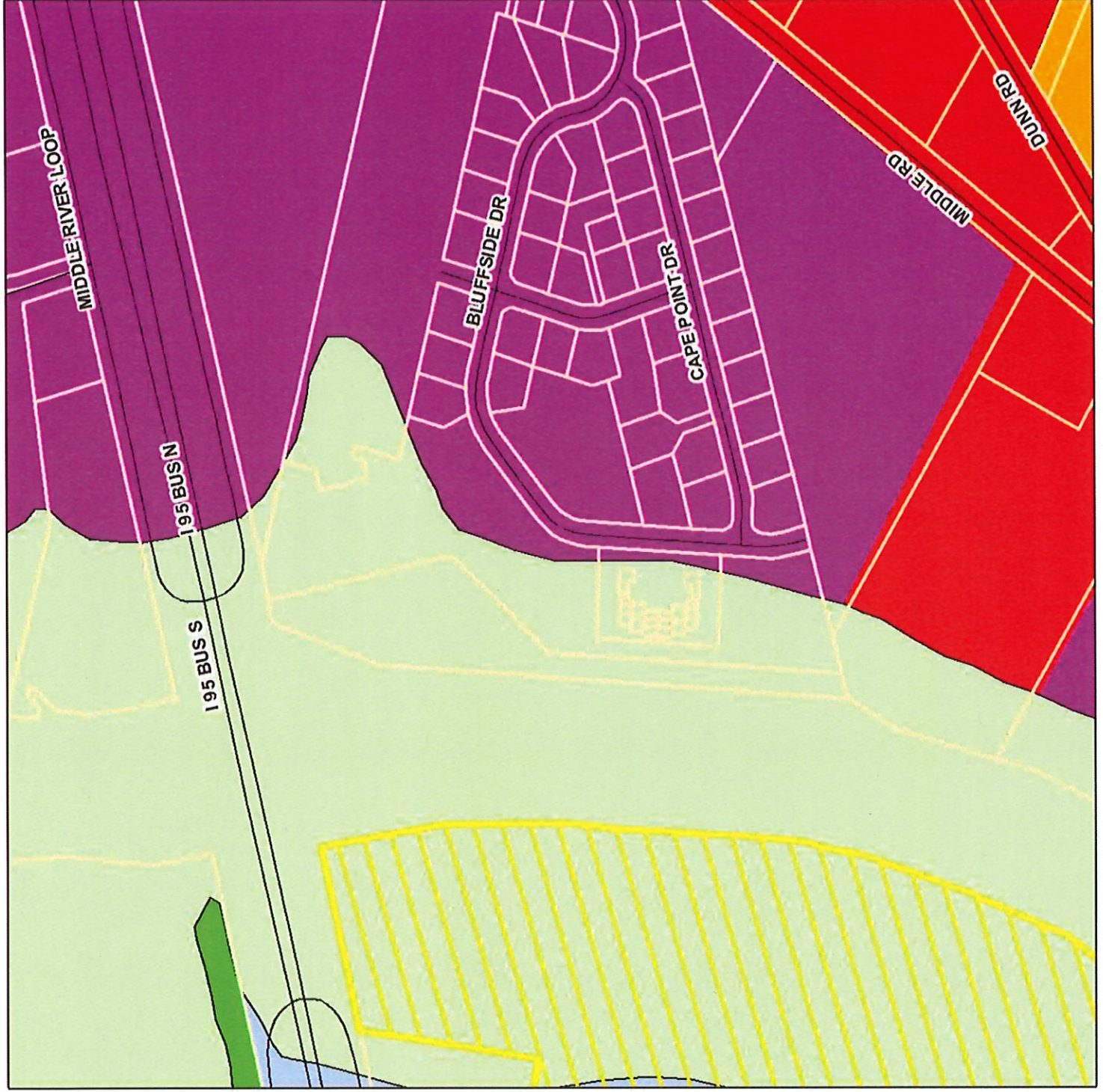
Acreage:  
6.29 acres +/-



## Legend

	Parcels
	Medium Density Residential
	Heavy Commercial
	Downtown
	Heavy Industrial
	Governmental
	Open Space

City of  
**Fayetteville**  
*North Carolina*  
**PLANNING**





# Subject Property





# Surrounding Properties



South




East



East





ENGINEERING - SURVEYING - DESIGNING - DRAFTING

Lamy King & Associates, R.L.S., P.A.

P.O. Box 53787  
1333 Morganton Road, Suite 201  
Fayetteville, North Carolina 28305  
P. (910) 483-4300 F. (910) 483-4052  
www.lkand.com

Owner:

**RIVER BLUFF PARTNERS, LLC**

CONTACT:

1437 RAMSEY STREET  
FAYETTEVILLE, NC 28301

Project:

**RIVER BLUFF TOWNHOUSES**

**CUMBERLAND COUNTY**

**OPT. 4**

Tax id #: 0447-35-7569

Township: Cross Creek

County: Cumberland

State: NC

Job no.: P19-033

Date: 03/17/2020

Drawn by: LSE

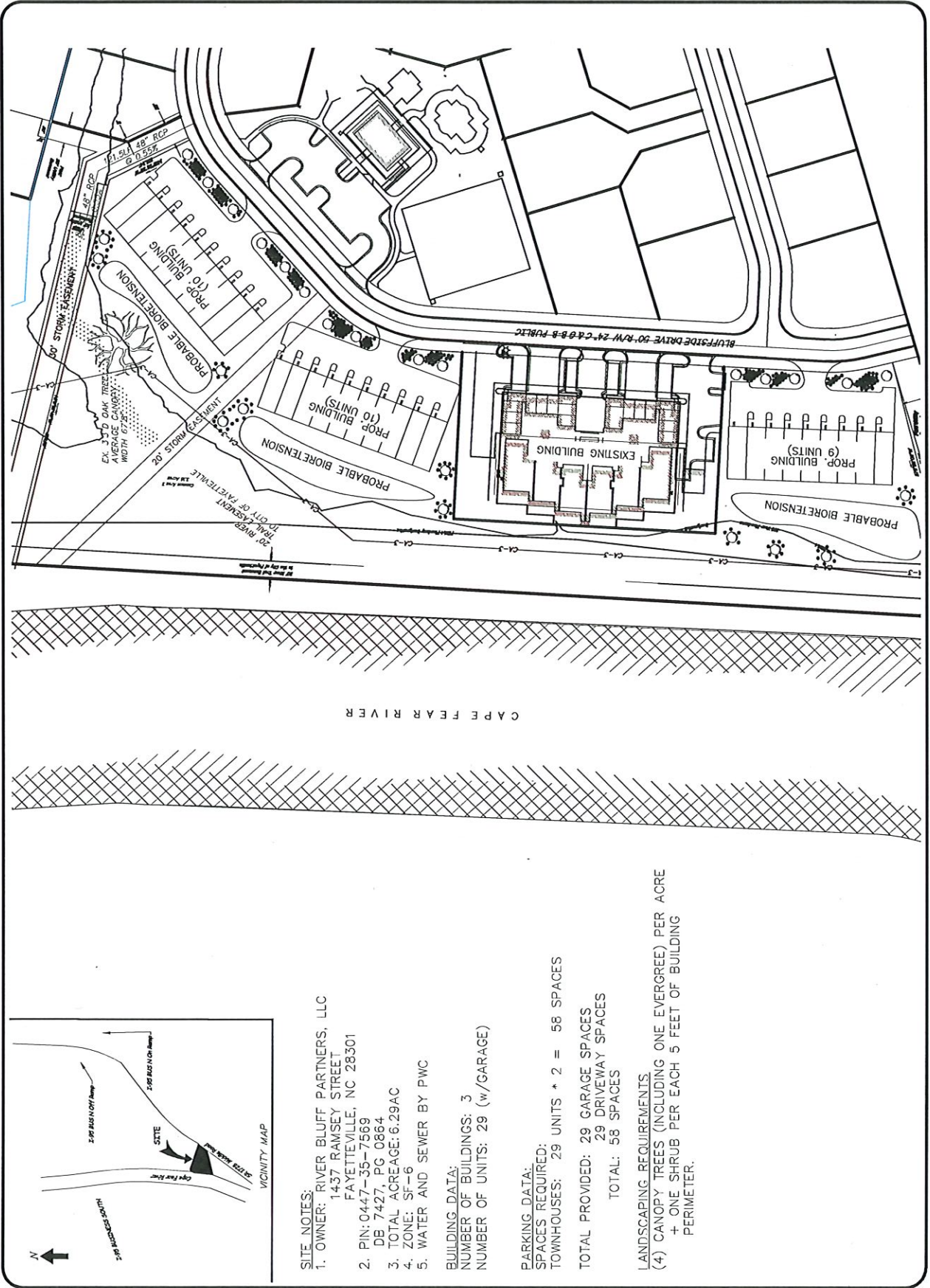
Survey by: N/A

Checked by: N/A

**PRELIMINARY**

**DO NOT USE FOR CONSTRUCTION**

THIS DRAWING HAS NOT BEEN REVIEWED BY ANY GOVERNMENTAL AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT OR OTHER REGULATIONS.



**SITE NOTES:**

- OWNER: RIVER BLUFF PARTNERS, LLC  
1437 RAMSEY STREET  
FAYETTEVILLE, NC 28301  
PIN: 0447-35-7569  
DB 7427, PG 0864
- TOTAL ACREAGE: 6.29 AC
- ZONE: SF-6
- WATER AND SEWER BY PWC

**BUILDING DATA:**

NUMBER OF BUILDINGS: 3  
NUMBER OF UNITS: 29 (w/GARAGE)

**PARKING DATA:**

SPACES REQUIRED:  
TOWNHOUSES: 29 UNITS \* 2 = 58 SPACES

TOTAL PROVIDED: 29 GARAGE SPACES  
29 DRIVEWAY SPACES  
TOTAL: 58 SPACES

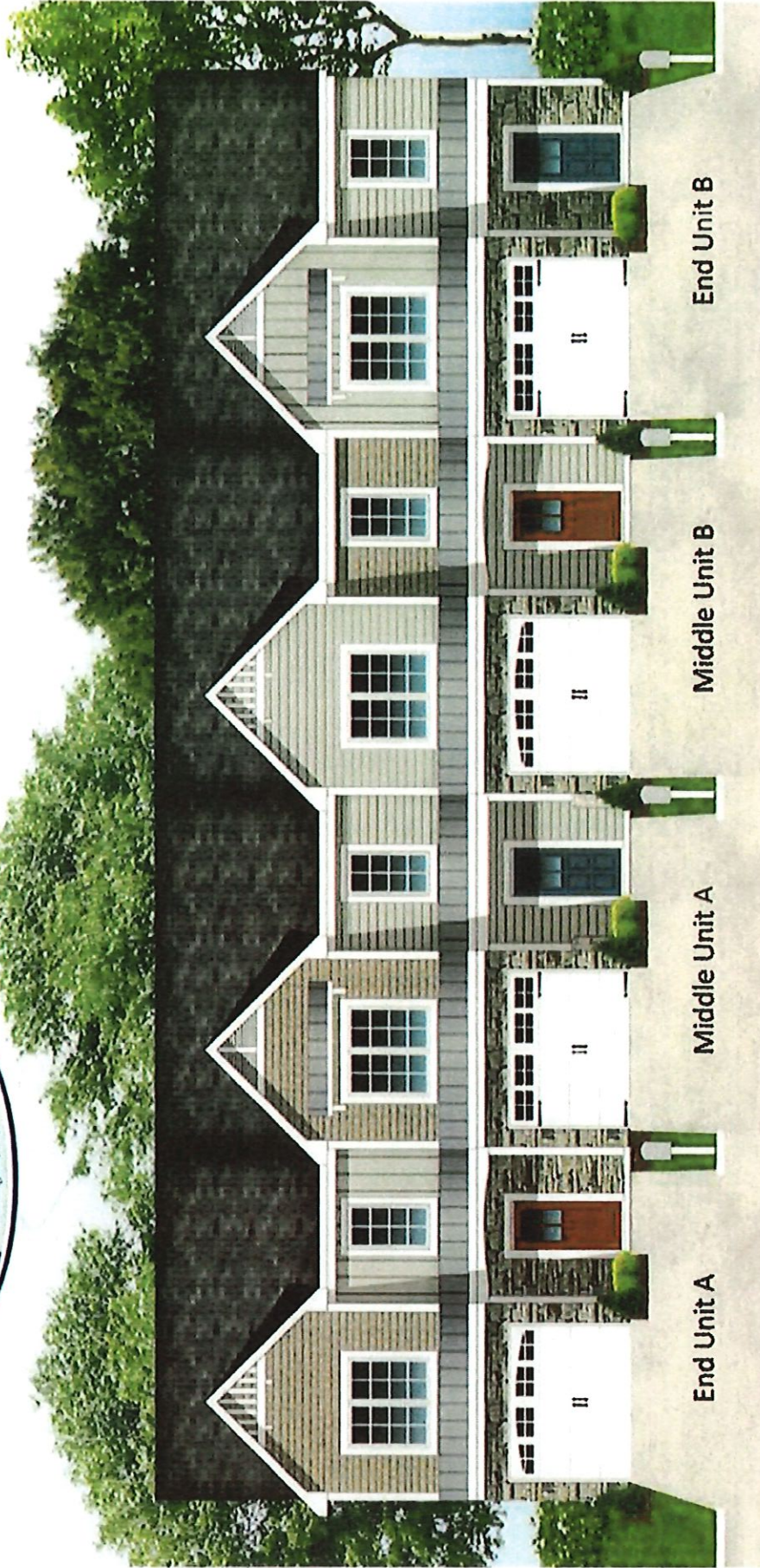
**LANDSCAPING REQUIREMENTS**

(4) CANOPY TREES (INCLUDING ONE EVERGREEN) PER ACRE  
+ ONE SHRUB PER EACH 5 FEET OF BUILDING PERIMETER.





Artist's representation only. Plans may differ depending on the modifications performed by the builder. Room sizes, square footage totals, and other dimensions may vary from these drawings. Builder reserves the right to make changes without notice.



22' x 50'

22' + 22' 1/2